

HOUSE BILL No. 1106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-26.

Synopsis: Resale or donation of items with lead paint. Prohibits a person from selling, reselling, or donating a product that has been recalled because of lead paint. Requires a retailer to remove a recalled product from availability for purchase from the retailer not later than 24 hours after being notified of the recall because of lead paint. Subjects a violator to the same penalties and actions as a person who commits a deceptive act.

Effective: July 1, 2009.

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January 8, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1106

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-5-26 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]:
4 **Chapter 26. Removal of Recalled Products**
5 **Sec. 1. As used in this chapter, "recalled product" means a**
6 **product that has been recalled from sale:**
7 (1) **by the order of a court or a regulatory body; or**
8 (2) **voluntarily by the manufacturer, distributor, or retailer;**
9 **because of lead paint.**
10 **Sec. 2. (a) A retailer may not sell, resell, or donate a recalled**
11 **product.**
12 (b) **A person shall remove a recalled product from availability**
13 **for purchase from the retailer not later than twenty-four (24)**
14 **hours after receiving notification from a:**
15 (1) **court;**
16 (2) **regulatory body; or**
17 (3) **manufacturer, distributor, or retailer, if the recall was**



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1 voluntary;
2 that the product is a recalled product.

3 Sec. 3. A retailer that:

4 (1) sells, resells, or donates a recalled product; or

5 (2) fails to remove a recalled product from availability for
6 purchase from the retailer not later than twenty-four (24)

7 hours after receiving notification that the product is a recalled
8 product, as required by section 2 of this chapter;

9 is subject to the same penalties and actions that a person who
10 commits a deceptive act is subject to under IC 24-5-0.5.

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